

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

EDWARD F. PLASTINO and)
SECOND AMENDMENT FOUNDATION, INC.,)
)
Plaintiffs,)
)
v.) Case No. 4:12-CV-1316
)
)
CHRIS KOSTER, in his Official Capacity as)
Attorney General of the State of Missouri; and)
TOM NEER, in his Official Capacity as)
Sheriff of St. Charles County, Missouri,)
)
Defendants.)

DECLARATION OF EDWARD F. PLASTINO

I, Edward F. Plastino, am competent to state, and declare the following based on my personal knowledge:

1. I am a citizen of Canada residing in St. Charles, St. Charles County, Missouri, and I have done so since 2006. I am also a Status Indian, being a native Canadian and at least 50% Chippewa Indian. According to the Jay Treaty of 1794, as affirmed by section 289 of the 1952 Immigration and Naturalization Act, I am considered a North American citizen, which entitles me to live and work in the United States. I entered the United States pursuant to the certification of the Department of Indian Affairs of Northern Canada in approximately 1995 for employment and school, and commuted back and forth across the border.

2. After that, except for a one year period from 2001-2002 working in Canada (commuting to Niagara Falls, New York for the last six months of that period), I have resided in the United States since 1999. In 2006, after Hurricane Katrina, I was relocated by my employer from Biloxi, Mississippi to St. Louis. I moved to St. Charles, Missouri at that time, and I have resided there ever since.

3. I am a member of the Second Amendment Foundation, based in Bellevue, Washington.

4. I am allowed to carry a firearm openly in Missouri, except for locations where doing such is illegal, but I do not always wish to do so, and I am prohibited by § 571.101.2(1) RSMo from obtaining a concealed carry endorsement due to my status as a non-citizen, and thus prohibited from carrying a handgun in a concealed manner for self-defense.

5. I applied for a concealed carry permit with the St. Charles County Sheriff's Department, but my application was denied by St. Charles County Sheriff Tom Neer on or about June 1, 2012, on the explicit grounds that I am not a United States citizen.

6. I would carry a loaded and functional concealed handgun in public for self-defense, but I refrain from doing so because I fear arrest, prosecution, fine, and imprisonment as I understand it is unlawful for a non-citizen to carry a concealed handgun in Missouri. I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 27th day of December, 2012



Edward F. Plastino